

Introduced by Senator Pavley

December 1, 2014

An act to amend Sections 10735.4, 10735.6, and 10933 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as introduced, Pavley. Groundwater.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes the State Water Resources Control Board to designate a basin as a probationary basin if the state board makes a certain determination and to develop an interim plan for the probationary basin. The act requires a local agency or groundwater sustainability agency to have 90 or 180 days, as prescribed, to remedy the deficiency if the board designates the basin as a probationary basin.

This bill would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the board to designate the basin as a probationary basin. This bill would authorize the board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin.

Existing law establishes a groundwater monitoring program pursuant to which specified entities, including a groundwater sustainability agency, may propose to be designated by the department as groundwater monitoring entities, as defined, for the purposes of monitoring and reporting with regard to groundwater elevations in all or part of a groundwater basin or subbasin. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken in groundwater basins and subbasins, and if the department determines that all or part of a basin or subbasin is not being monitored, to determine whether there is sufficient interest in establishing a groundwater management plan, an integrated regional water management plan, or a groundwater monitoring association.

This bill, if the department determines that all or part of a basin or subbasin is not being monitored, would require the department to determine whether there is sufficient interest in establishing a groundwater sustainability plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10735.4 of the Water Code is amended
- 2 to read:
- 3 10735.4. (a) If the board designates a basin as a probationary
- 4 basin pursuant to paragraph ~~(1)~~ or ~~(2)~~ (1), (2), or (4) of subdivision
- 5 (a) of Section 10735.2, a local agency or groundwater sustainability
- 6 agency shall have 180 days to remedy the deficiency. The board
- 7 may appoint a mediator or other facilitator, after consultation with
- 8 affected local agencies, to assist in resolving disputes, and
- 9 identifying and implementing actions that will remedy the
- 10 deficiency.
- 11 (b) After the 180-day period provided by subdivision (a), the
- 12 board may provide additional time to remedy the deficiency if it
- 13 finds that a local agency is making substantial progress toward
- 14 remedying the deficiency.
- 15 (c) The board may develop an interim plan pursuant to Section
- 16 10735.8 for the probationary basin at the end of the period provided
- 17 by subdivision (a) or any extension provided pursuant to
- 18 subdivision (b), if the board, in consultation with the department,

1 determines that a local agency has not remedied the deficiency
2 that resulted in designating the basin as a probationary basin.

3 SEC. 2. Section 10735.6 of the Water Code is amended to read:

4 10735.6. (a) If the board designates a basin as a probationary
5 basin pursuant to paragraph (3) *or* (5) of subdivision (a) of Section
6 10735.2, the board shall identify the specific deficiencies and
7 identify potential actions to address the deficiencies. The board
8 may request the department to provide local agencies, within 90
9 days of the designation of a probationary basin, with technical
10 recommendations to remedy the deficiencies.

11 (b) The board may develop an interim plan pursuant to Section
12 10735.8 for the probationary basin one year after the designation
13 of the basin pursuant to paragraph (3) *or* (5) of subdivision (a) of
14 Section 10735.2, if the board, in consultation with the department,
15 determines that a local agency has not remedied the deficiency
16 that resulted in designating the basin a probationary basin.

17 SEC. 3. Section 10933 of the Water Code is amended to read:

18 10933. (a) The department shall commence to identify the
19 extent of monitoring of groundwater elevations that is being
20 undertaken within each basin and subbasin.

21 (b) The department shall prioritize groundwater basins and
22 subbasins for the purpose of implementing this section. In
23 prioritizing the basins and subbasins, the department shall, to the
24 extent data are available, consider all of the following:

25 (1) The population overlying the basin or subbasin.

26 (2) The rate of current and projected growth of the population
27 overlying the basin or subbasin.

28 (3) The number of public supply wells that draw from the basin
29 or subbasin.

30 (4) The total number of wells that draw from the basin or
31 subbasin.

32 (5) The irrigated acreage overlying the basin or subbasin.

33 (6) The degree to which persons overlying the basin or subbasin
34 rely on groundwater as their primary source of water.

35 (7) Any documented impacts on the groundwater within the
36 basin or subbasin, including overdraft, subsidence, saline intrusion,
37 and other water quality degradation.

38 (8) Any other information determined to be relevant by the
39 department, including adverse impacts on local habitat and local
40 streamflows.

(c) If the department determines that all or part of a basin or subbasin is not being monitored pursuant to this part, the department shall do all of the following:

(1) Attempt to contact all well owners within the area not being monitored.

(2) Determine if there is an interest in establishing any of the following:

(A) *A groundwater sustainability plan pursuant to Part 2.74 (commencing with Section 10720).*

~~(A)~~

(B) *A groundwater management plan pursuant to Part 2.75 (commencing with Section 10750).*

~~(B)~~

(C) *An integrated regional water management plan pursuant to Part 2.2 (commencing with Section 10530) that includes a groundwater management component that complies with the requirements of Section 10753.7.*

~~(C)~~

(D) *A voluntary groundwater monitoring association pursuant to Section 10935.*

(d) If the department determines that there is sufficient interest in establishing a plan or association described in paragraph (2) of subdivision (c), or if the county agrees to perform the groundwater monitoring functions in accordance with this part, the department shall work cooperatively with the interested parties to comply with the requirements of this part within two years.

(e) If the department determines, with regard to a basin or subbasin, that there is insufficient interest in establishing a plan or association described in paragraph (2) of subdivision (c), and if the county decides not to perform the groundwater monitoring and reporting functions of this part, the department shall do all of the following:

(1) Identify any existing monitoring wells that overlie the basin or subbasin that are owned or operated by the department or any other state or federal agency.

(2) Determine whether the monitoring wells identified pursuant to paragraph (1) provide sufficient information to demonstrate seasonal and long-term trends in groundwater elevations.

(3) If the department determines that the monitoring wells identified pursuant to paragraph (1) provide sufficient information

1 to demonstrate seasonal and long-term trends in groundwater
2 elevations, the department shall not perform groundwater
3 monitoring functions pursuant to Section 10933.5.

4 (4) If the department determines that the monitoring wells
5 identified pursuant to paragraph (1) provide insufficient
6 information to demonstrate seasonal and long-term trends in
7 groundwater elevations, the department shall perform groundwater
8 monitoring functions pursuant to Section 10933.5.

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